

SECOND REGULAR SESSION

# SENATE BILL NO. 616

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3748S.011

## AN ACT

To amend chapters 376 and 538, RSMo, by adding thereto two new sections relating to faith-based community health centers.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapters 376 and 538, RSMo, are amended by adding thereto  
2 two new sections, to be known as sections 376.1745 and 538.315, to read as  
3 follows:

**376.1745. 1. The provisions of chapter 376 relating to health  
2 insurance, health maintenance organizations, health benefit plans,  
3 group health services, and health carriers shall not apply to a plan that  
4 provides health care services to low income individuals on a prepaid  
5 basis and that meets the following conditions:**

6 **(1) Eligibility in the plan is limited to persons who earn less than  
7 two hundred percent of the federal poverty level and are not covered  
8 under any other group insurance arrangement;**

9 **(2) The plan is operated on a nonprofit basis under the  
10 sponsorship of a nonprofit organization that is qualified as exempt  
11 from federal taxation under Section 501(c)(3) of the Internal Revenue  
12 Code of 1986, as amended;**

13 **(3) Covered primary care services are provided to enrollees  
14 either by providers on staff of the sponsoring organization or by  
15 volunteers recruited from a local medical society who have, in both  
16 instances, agreed to provide their services for free or for nominal  
17 reimbursement for out-of-pocket expenses or expendable supplies  
18 directly related to, and incurred as a result of, the service provided to  
19 the enrollee;**

20 **(4) Payments to outside contractors for marketing, claims**

21 administration and similar services total no more than ten percent of  
22 the total charges;

23 (5) The plan has received the approval and endorsement of the  
24 local medical society in consultation with the Missouri State Medical  
25 Association; and

26 (6) The sponsoring nonprofit organization files an annual report  
27 with the secretary of state within ninety days of the close of the  
28 organization's fiscal year that includes, at a minimum, the following  
29 information:

30 (a) The number of plan enrollees;

31 (b) Total services rendered under the plan;

32 (c) Plan financial statements;

33 (d) Administrative costs and salaries paid by the plan; and

34 (e) Other information that may be reasonably requested by the  
35 secretary of state.

36 2. A plan that meets the requirements of this section shall not be  
37 considered to be engaging in the business of insurance for purposes of  
38 chapter 376, or any provision of Title XXIV, RSMo, and shall not be  
39 subject to the jurisdiction of the director of the department of  
40 insurance, financial institutions and professional registration.

538.315. 1. Any volunteer physician, dentist, optometrist,  
2 pharmacist, registered professional nurse, licensed practical nurse,  
3 psychiatrist, psychologist, professional counselors, or clinical social  
4 workers licensed to practice in this state under the provisions of  
5 chapter 332, 334, 335, 336, 337, or 338, or any volunteer retired  
6 physician, dentist, optometrist, pharmacist, registered professional  
7 nurse, licensed practical nurse, psychiatrist, psychologist, professional  
8 counselor, or clinical social worker who provides medical or mental  
9 health treatment to a patient at a nonprofit faith-based community  
10 health center that provides health care services for a nominal fee and  
11 is qualified as exempt from federal taxation under Section 501(c)(3) of  
12 the Internal Revenue Code of 1986, as amended, shall not be liable for  
13 any civil damages for acts or omissions unless the damages were  
14 occasioned by gross negligence or by willful or wanton acts or  
15 omissions by such health care provider under this section in rendering  
16 such treatment.

17 2. For purposes of this section, a "volunteer" is an individual

18 rendering medical or mental health treatment who is not compensated  
19 for his or her services on a salary or prorated equivalent basis.

20 3. In order for a retired physician, dentist, optometrist,  
21 pharmacist, registered professional nurse, licensed practical nurse,  
22 psychiatrist, psychologist, professional counselor, or clinical social  
23 worker to receive the immunity from liability under this section, such  
24 health care provider shall have been in good standing with their  
25 respective governing professional board at the time of his or her  
26 retirement.

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